

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 14, 1994

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 14, 1994
IN Regular SESSION. PRESIDENT Cletus R. Edmonds
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY _____, EDMONDS _____, GiaQUINTA _____,
HENRY _____, LONG _____, LUNSEY _____,
RAVINE _____, SCHMIDT _____, TALARICO _____.

ABSENT: 4 B

COUNCILMEMBER: *Did not* Henry
GiaQuinta Ravine Schmidt

THE MINUTES OF THE LAST REGULAR May 24, 1994
, 19
 SPECIAL , 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on Tuesday the day of June 14, 19 94, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 16th day of June, 19 94.

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

Paul Helmke, Mayor

May 31, 1994

President of the Common Council
City of Fort Wayne, Indiana

Council Members:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

65/94/E, 66/94/D, 67/94/E and 68/94/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Payne D. Brown
Director Board of Safety

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/13/94 SHEET 1 OF 1 DATE APRIL 12, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PARKING REGULATION

Please be advised our office has received a letter from Gary A. Peterson, Tokheim Plant Engineer, requesting a No Parking restriction on Fletcher Ave. The area on the west side, north of Wayne Trace is utilized by large semi trucks maneuvering into their loading dock. No residents would be affected by the restriction.

It is hereby recommended that the Board of Public Safety authorize the following:

NO PARKING (EMERGENCY)

Fletcher Ave. - west side - from Wayne Trace to the
Norfolk & Southern Rail
Road.

Respectfully submitted,

Tom Manny
Tom MANNY
Traffic Engineer

cc: Richard Bacon
File

April 1, 1994

Mr. Richard Bacon
City of Fort Wayne
Traffic Control Dept.
Room 740 City County Bldg.
One Main Street
Fort Wayne, IN. 46802

Dear Richard:

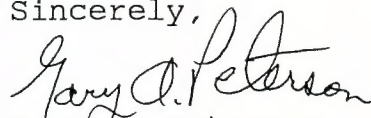
Tokheim is requesting that the City of Fort Wayne add "NO PARKING" signs along the west side of Fletcher Avenue, between Wayne Trace and the N & W Railroad Tracks.

These signs are needed to provide semi and other large trucks easy access into our Shipping and Receiving gates along Fletcher Avenue.

Presently, Tokheim is responsible for all maintenance and utilities for Anthony Wayne Industrial Park. Since this is not a recreational park, there is no real need for parking on Fletcher between Wayne Trace and the railroad tracks.

If you have any concerns about this request, I am available to meet with you.

Sincerely,



Gary A. Peterson
Plant Engineer

GAP/ldn
CC: Mr. Tom Fry - Tokheim

REGULATORY RESOLUTION NO. 65/94/E

(Adopted May 5, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

NO PARKING (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 12, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 5, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>NO PARKING</u>		(EMERGENCY)
Fletcher Avenue	west side	from Wayne Trace to the Norfolk & Southern Rail Road

66/94/D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/14/94 SHEET 1 OF 1 DATE APRIL 19, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: PREFERENTIAL INTERSECTION

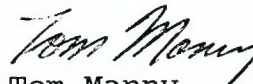
Please be advised our office has received a request to review the intersection of Ferguson Ave. & Kentucky Ave. regarding control. A combination of traffic volumes and restricted sight distance satisfies minimum warrants for Yield control.

It is hereby recommended that the Board of Public Safety authorize the following:

PREFERENTIAL INTERSECTION (DELEGATED)

Ferguson Ave. - preferential - at Kentucky Ave.

Respectfully submitted,


Tom Manny
Traffic Engineer

cc: Richard Bacon
File

REGULATORY RESOLUTION NO. 66/94/D

(Adopted May 5, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 19, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA: .

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 5, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)
Ferguson Avenue preferential at Kentucky Avenue

67/94/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/15/94 SHEET 1 OF 1 DATE APRIL 21, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: STOP INTERSECTION

Please be advised our office has received a request to review the intersection of Pape Ave. and Sherman Blvd. regarding control. A combination of traffic volumes and geometric design satisfies minimum warrants for Stop control.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION (EMERGENCY)

Pape Ave. - stop - for Sherman Blvd.

Respectfully submitted,

Tom Manny

Tom Manny
Traffic Engineer

cc: Richard Bacon
File

REGULATORY RESOLUTION NO. 67/94/E

(Adopted May 5, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

STOP INTERSECTION (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 21, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 5, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)
Pape Avenue stop for Sherman Blvd

68/94/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/16/94 SHEET 1 OF 1 DATE APRIL 27, 1994

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: IMPAIRED MOBILITY ORDINANCE

Please be advised the following Commercial (private parking lot) Impaired Mobility Parking application has been submitted to this office as required by the Impaired Mobility Ordinance.

The Traffic Engineering Department has reviewed this location and prepared a map to identify the parking stall.

Pending your approval, this location will be properly identified with signs and submitted to the Fort Wayne Police Department for selective enforcement.

It is hereby recommended the Board of Public Safety authorize the following:

<u>IMPAIRED MOBILITY PARKING (COMMERCIAL)</u>	<u>EMERGENCY</u>
---	------------------

Allen County War Memorail Coliseum

4000 Parnell Ave.
(90 spaces)

Respectfully submitted,


Tom Manny,
Traffic Engineer

TM/lc

cc: Dennis Bruce
File (2)

REGULATORY RESOLUTION NO. 68/94/E

(Adopted May 5, 1994)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of Said Chapter delegates to this Board authority to:

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 21, 1994, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective May 5, 1994, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>IMPAIRED MOBILITY PARKING (COMMERCIAL)</u>	<u>(EMERGENCY)</u>
Allen Conty War Memorial Coliseum	4000 Parnell Ave (90 spaces)



The City of Fort Wayne

Paul Helmke, Mayor

May 24, 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-94-05-06

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of May 1994.

**Council action on this
recommendation must take
place prior to:
August 22, 1994.**

Carol Kettler Sharp
Secretary

/pb

CC: File

FACT SHEET

L-94-05-06

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From R-1 to RA

DETAILS**Specific Location and/or Address**

4512 Lake Avenue

Reason for Project

Convert existing structure into a duplex.

Discussion (Including relationship to other Council actions)16 May 1994 - Public Hearing

Thomas Eugene Smith, 2813 Woodhollow Trail appeared before the Commission for the petitioner. Mr. Smith stated that Mr. Pepple, the petitioner, had asked him to appear at the meeting. He stated the purpose of the rezoning request would be to use the property for a duplex.

There was no one else who spoke in favor of or in opposition to the proposed rezoning.

23 May 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion. The Chair did not vote..

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Bradford Pepple
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☐ For ☒ Against

Reason Against
-approval would not be consistent with current development in the area

**Board or
Commission
Recommendation****By**

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

ETAILS

Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Mel Smith, Vicky VerPlanck

Members Absent: Mark GiaQuinta,
Carol Kettler Sharp

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 21 April 1994

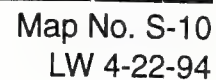
Projected Completion or Occupancy Date 24 May 1994

Fact Sheet Prepared by Patricia Biancaniello Date 24 May 1994

Reviewed by  Date 5/25/44

Reference or Case Number

CASE NO. #564



R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 10, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-94-05-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1994.

Certified and signed this
24th day of May 1994.



Carol Kettler Sharp
Secretary

Bradford D. Pepple, agent for Fred Kattau, requests a change of zone from R-1 to RA

Location: 4512 Lake Avenue

Legal: See file.

Land Area: Approximately 1 acre

Zoning: R-1 (Map S-10)

Surroundings: North RA Residential
South R-1 Single Family Residential
East R-1 Single Family Residential
West R-3 Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None on record.

Comprehensive Plan: The general land use policies of the comprehensive plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

While not indicated on the petition, discussions with the petitioner indicate his desire to use the property for duplex development.

In the past the Plan Commission has indicated a desire to see residential uses encouraged east of Inwood Drive. The area currently has single family residential uses, a large scale church/school on the north side, and planned multi-family at the Reed Road intersection. There is a single family residential development immediately south of this site. Non-residential development is located easterly, between Coliseum Boulevard and Inwood Drive.

There are no RA zoned parcels on the south side of Lake Avenue, between Reed Road and Coliseum Boulevard. However there is an R-3 parcel immediately west of the petitioned site. If the Plan Commission desires to intensify the zoning of this parcel, the staff would suggest consideration of the R-3 designation in order to maintain some consistency in the area.

Rezoning petitions are evaluated against a criteria that includes the Comprehensive Plan, current conditions and character of structures and uses in the area, the highest or best use of property (from a land use standpoint), conservation of property values and the principles of responsible development and growth. In our analysis of this area we saw a predominance of single family use with planned multi-family uses blended in at the Reed Road intersection. Lake Avenue remains a traffic arterial which carries relatively high volume, higher speed traffic.

About four year ago, when the apartments on the north side were developed, the neighborhood re-emphasized their concerns with traffic safety, property values and quality of life issues. That project was approved contingent upon a number of conditions that would carefully merge the development into the area. Those conditions addressed traffic safety, buffering and density issues, which combined to promote quality of life issues, and preserve property values in the area.

Current development patterns on the south side are single family uses which place minimal demands on the infrastructure, yet help preserve the integrity of the neighborhood, and therefore safeguard property values. Residents in the Greenvale Subdivision have previously indicated their concerns with potential impacts on property values in the area. That concern is consistent with the intent of the Comprehensive Plan in that we want to preserve investments while guarding against possible deterioration of the area.

The requested designation could allow for an intensification of uses. In addition to multi-family, uses could include tourist homes and nursing homes. Currently there is a single family home on one of the parcels. The second usable parcel is a green area.

Staff agrees with the Plan Commission's previous position on this area, supporting the continuation of low intensity single family uses in this area. The current development patterns yield a well blended mix of uses which supports property values. We are concerned that allowing spot duplex uses this close to the entrance to a single family subdivision would result in a lowering of property values, and set the stage for similar requests in the future.

We feel that the preservation of these parcels as single family will help maintain the identified goals of the Comprehensive Plan for this area, and will protect the investments that existing property owners have made.

Recommendation: DO NOT PASS for the following reasons:

- 1) Approval as submitted is not consistent with current development patterns in the area, nor the Comprehensive Plan.
- 2) Approval could result in a negative impact on single family property values in the area.
- 3) Approval would appear to result in a "spot development" that would set a precedent leading to similar petitions.



MEMORANDUM

TO: City Council Members

FROM: Gary Stair, *JS* Director of Planning, Community and Economic Development

DATE: May 24, 1994

SUBJECT: Recommendation from Plan Commission

The attached land use petition has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached case, please do not hesitate to call me or the Land Use Management staff at 427-1140.

/pb

1. Change of Zone - Bill No. Z-94-05-06

Amendment: From R-1 to RA

Location: 4512 Lake Avenue

Applicant: Bradford D Pepple

Proponents: Thomas Eugene Smith, 2813 Woodhollow Trail appeared
for the petitioner

Opponents: None

Summary of Discussion: This rezoning would allow the petitioner to
develop the property into a duplex.

Staff Recommendation: Do Not Pass

Plan Commission Recommendation: Do Not Pass

Recommendation Given: May 23, 1994

Committee Session Date: June 7, 1994